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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,351	09/02/2004	John Gibbins	AP031-04	3189
29689	7590	03/08/2006		
DAVID A. GUERRA INTERNATION PATENT GROUP, LLC 10TH FLOOR, 610 8TH AVENUE S.W. CALGARY, AB T2P 1G5 CANADA			EXAMINER STORMER, RUSSELL D	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/506,351	GIBBINS, JOHN	
	Examiner	Art Unit	
	Russell D. Stormer	3617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5/3, 6-9, 11-16, 18-21, 23 is/are rejected.
- 7) ☒ Claim(s) 4, 5/4, 10, 17, 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/2/04</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sleeves being tack-welded as set forth in claim 5; the chamfered and rounded edges of claims 6, 7, 18, and 19; the single clip-receiving aperture of claims 8 and 20; and the chevron and helix patterns of claims 13 and 14 must be shown or the features canceled from the claims.

#### **No new matter should be entered.**

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 3, 5/3, 6-9, 11-16, 18-21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoke in view of Dils, Jr. (hereinafter Dils).

Hoke discloses a wheel having a plurality of cleats removably joined to the rim. The cleats comprise a ground-engaging end 3 and a lug 6 which extends through an opening 2 in the rim. The lugs may have one or two apertures to receive a wedge or wedges 8 to secure the cleat on the rim. The wedges are made of wood to prevent rust and to allow breakage in the event that excessive strain is placed on the cleat, and being made of wood, the wedges would inherently urge the cleats against the rim. See lines 51-54 of page 2 which state that the key or wedge 8f draws the cleat to the rim, and lines 69-75 of the same page, which state that the wood is compressible and is substituted for the springs which are generally used instead. From this it is clear that the use of springs to retain similar cleats to a rim is well-known. Hoke does not show an example of a spring that may be used.

Dils teaches a spring clip 29 which is inserted through an aperture in a lug 38 to retain a cleat 28 to a base 26 on a rim of a wheel. The spring clip 29 pulls the cleat 28 toward the base 26 and the rim to hold it in place. This teaching, combined with the statements in Hoke which admit that the use of springs is well-known in the art, would

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have made it obvious to those of ordinary skill in the art to substitute a spring clip for the wooden wedges of Hoke in order to provide a more resilient connection of the cleat to the rim, or to prevent breakage of the wedges depending on the desired use of the wheel. Such a substitution does not destroy the teachings of Hoke inasmuch as Hoke already provides the teaching for the use of springs instead of wooden wedges, and those of ordinary skill could readily choose between the two depending on the intended use of the wheel and the desired cost, complexity, and function of the retaining devices (spring or wedges) knowing the advantages and disadvantages of both.

With respect to claims 3, 5/3, and 16, the use of bushings or sleeves in an opening is well-known and to provide a sleeve in the cleat receiving apertures would have been obvious for reasons such as protection against wear of the opening or the fasteners. Official Notice is hereby given.

With respect to claims 6, 7, 18, and 19, to chamfer or round the edges of the clip-receiving apertures would have been obvious as such is well-known as a means of facilitating the insertion of fasteners in apertures. Official Notice is hereby given.

With respect to claims 12, 13 and 14, such patterns are well-known in the art and would have been obvious for improving the traction of the wheel. Official Notice is hereby given.

***Allowable Subject Matter***

4. Claims 4, 5/4, 10, 17, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show other cleats attached to rims, and other spring clip devices.

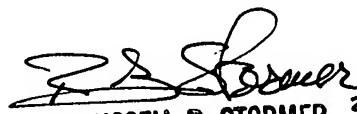
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3/2/06

  
RUSSELL D. STORMER  
PRIMARY EXAMINER 3/2/06